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May 20, 2008

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Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

RE: Finance Docket No. 35087, Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company

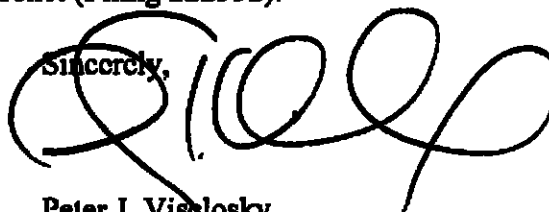
Dear Ms. Quinlan:

Enclosed for filing is a joint letter from:

Senator Richard G. Lugar
Senator Evan Bayh
Representatives Peter J. Visclosky

The letter is in strong opposition to the Canadian National Railway Company and Grand Trunk Corporation's (CN) *Request for Establishment of Time Limits for NEPA Review and Final Decision* filed in the above referenced docket (Filing 222352).

Sincerely,



Peter J. Visclosky
Member of Congress

Enclosure
Cc: All Parties of Record

Congress of the United States

Washington, DC 20515

May 20, 2008

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

RE: Finance Docket No. 35087, Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company

Dear Ms. Quinlan:

We write to express our opposition to the Canadian National Railway Company and Grand Trunk Corporation's (CN) *Request for Establishment of Time Limits for NEPA Review and Final Decision* filed in the above referenced docket (Filing 222352).

In their filing, CN requests that the Surface Transportation Board (STB) pursuant to 40 C.F.R. § 1500.8 establish a schedule that would result in the STB issuing a Final Decision in the transaction on December 1, 2008. CN centers this request on the fact that the Stock Purchase Agreement (SPA) signed by CN and EJ&E (a wholly owned subsidiary of United States Steel Corporation (USS)) did not anticipate an extensive and thorough regulatory and environmental review by the STB and therefore established a date of December 31, 2008, for the completion of the transaction. CN states that on that date "either party may be able to terminate the Agreement, and neither party may be able to compel the other to close." CN further states that if the parties cannot close by that date "it would have lost over a year's worth of time and millions of dollars in expenses related to the Transaction." It appears that CN's main argument is based on the possibility that the company will lose money and face an uncertain business environment if they do not complete the transaction by the "drop-dead" date. However, 40 C.F.R. § 1500.8, does not list the monetary cost to a company and the company's ability to make "fundamental business decisions" as factors that a federal agency should consider when requested to establish time limits for an environmental review process. Therefore, CN does not meet the criteria established by the Council on Environmental Quality and CN should not expect the STB to place their company's bottom line above the quality of life and economic vitality of Northwest Indiana.

Additionally, the Filing states that "this Transaction is important to CN" and on the same page acknowledges that "USS cannot be expected to let the unused EJ&E capacity go to waste indefinitely." If this transaction is so beneficial to both parties, it would be logical to believe that the SPA could be amended by mutual consent and allow the STB to consider this transaction in a reasoned fashion.

Ms. Anne K. Quinlan
May 20, 2008
Page 2

Further, on November 27, 2007, the Board issued the decision that required the Section of Environmental Analysis (SEA) to prepare an Environmental Impact Study (EIS). In that decision the Board states, "The time the EIS will take to prepare cannot be determined ahead of time because there is no way to predict in advance all of the specific issues that may arise. In prior cases, the EIS process has ranged from approximately 18 months to several years." This decision should have provided ample warning to the CN and USS that the "drop dead" date of December 31, 2008, was insufficient and that the SPA would need to be amended.

Unfortunately the urgency for finality expressed by CN in Filing 222352, has not been present in their dealings with the residents, jurisdictions and transportation organizations in Northwest Indiana who will be negatively impacted by the dramatic increase in train traffic that is proposed in this transaction. While we acknowledge that CN has met with municipalities, the Gary Chicago International Airport, and the Northern Indiana Commuter Transportation District, we are unaware of any signed agreements with these parties, proposed concessions, or even fruitful negotiations. These parties deserve at the least the same sense of urgency from CN that CN is requesting from the Board.

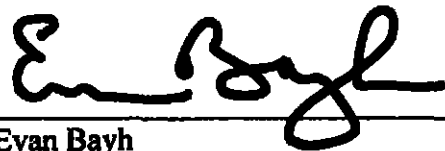
In conclusion, we completely disagree with CN's assertion that an extensive environmental review process will be merely "controversy induced." In making this claim, CN is dismissing the legitimate public safety, environmental, economic, and infrastructure concerns raised by communities, businesses and residents on the EJ&E arc in Northwest Indiana and Illinois. We urge the STB to reject CN's request and allow the SEA to carry out the NEPA review in a deliberate and prudent manner.

We appreciate your serious consideration of this matter.

Sincerely,



Richard G. Lugar
United States Senator



Evan Bayh
United States Senator



Peter J. Visclosky
Member of Congress

Cc: Chairman Charles "Chip" Nottingham
Cc: Vice Chairman Francis P. Mulvey
Cc: Board Member W. Douglas Buttrey
Cc: Ms. Victoria J. Rutson
Cc: All Parties of Record